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PROTECTION OF OCEANS, ALL KINDS OF SEAS INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, COASTAL AREAS AND THE PROTECTION, RATIONAL USE AND DEVELOPMENT OF THEIR LIVING RESOURCES

(Section II, chapter 9 of Agenda 21)

Text submitted by the Chairman on the basis of negotiations held on document A/CONF.151/PC/100/Add.21

Addendum

Attached is the revised text of Programme B of document A/CONF.151/PC/100/Add.21.

B. MARINE ENVIRONMENTAL PROTECTION

Basis for Action

23. Degradation of the marine environment can result from a wide range of sources. Land-based sources contribute 70 per cent of marine pollution, while maritime transport and dumping at sea activities contribute 10 per cent each. Contaminants which pose the greatest threat to the marine environment are (in variable order of importance and depending on differing national or regional situations: sewage, nutrients, synthetic organic compounds, sediments, litter and plastics, metals, radionuclides, oil/hydrocarbons, and polycyclic aromatic hydrocarbons (PAHs). Many of the polluting substances originating from land-based sources are of particular concern to the marine environment since they exhibit at the same time toxicity, persistence and bioaccumulation in the food chain. There is currently no global scheme to address marine pollution from land-based sources.

24. Degradation of the marine environment can also result from a wide range of activities on land. Human settlements, land use, construction of coastal infrastructure, agriculture, forestry, urban development, tourism and industry can affect the marine environment. Coastal erosion and siltation are of particular concern.

25. A precautionary and anticipatory rather than a reactive approach is necessary to prevent the degradation of the marine environment. This requires, inter alia, the adoption of precautionary measures, environmental impact assessments, clean production techniques, recycling, waste audits and minimization, construction and/or improvement of sewage treatment facilities, quality management criteria for the proper handling of hazardous substances, and a comprehensive approach to damaging impacts from air, land and water. Any management framework must include the improvement of coastal human settlements and the integrated management and development of coastal areas.

26. Marine pollution is also caused by shipping and sea-based activities. Approximately 600,000 tons of oil enter the oceans each year, as a result of normal shipping operations, accidents and illegal discharges. With respect to offshore oil and gas activities, currently only machinery space discharges are regulated internationally and only six regional conventions to control platform discharges have been under consideration. The nature and extent of environmental impacts from offshore oil exploration and production activities, generally account for a very small proportion of marine pollution.

Objectives

27. States, in accordance with the relevant rights and obligations set forth in the United Nations Convention on the Law of the Sea, commit themselves, in accordance with their policies, priorities and resources, to prevent, reduce and control degradation of the marine environment so as to maintain and improve its life support and productive capacities. To this end, it is necessary to:

a. apply preventive, precautionary and anticipatory approaches so as to avoid degradation of the marine environment, as well as reducing the risk of long-term or irreversible adverse effects upon it;

b. ensure prior assessment of activities which may have significant adverse environmental impacts upon the marine environment;

c. integrate protection of the marine environment into relevant general environmental, social and economic development policies;

d. develop economic incentives, where appropriate, to apply clean technologies and other means consistent with the internalization of environmental costs, such as the polluter pays principle, so as to avoid degradation of the marine environment;

e. improve the living standards of coastal populations, particularly in developing countries, so as to contribute to reducing the degradation of the coastal and marine environment.

[28. States agree that provision of additional financial resources, through appropriate international mechanisms, as well as access to cleaner technologies and relevant research, would be necessary to support action by developing countries to implement this commitment.] 1/

Activities

PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES

29. In carrying out their commitment to deal with degradation of the marine environment from land-based activities, States should take action at the national level, in concert with action to implement programme area A, and take account of the Montreal Guidelines for the Protection of the Marine Environment from Land-Based Sources. In addition, they should also strengthen and extend bilateral and multilateral cooperation, as appropriate.

30. To this end, States, with the support of the relevant international environmental, scientific, technical and financial organizations, should cooperate, inter alia to:

a. consider updating, strengthening and extending the Montreal Guidelines, as appropriate;

b. assess the effectiveness of existing regional agreements and action plans, where appropriate, with a view to identifying means of strengthening action, where necessary to prevent, reduce and control marine degradation caused by land-based activities;

c. initiate and promote the development of new regional agreements, where appropriate;

d. develop means of providing guidance on technologies to deal with the major types of pollution of the marine environment from land-based sources, according to the best scientific evidence;

e. develop policy guidance to relevant global funding mechanisms; 2/

f. identify additional steps requiring international cooperation.

31. UNEP Governing Council is invited to convene, as soon as practicable, an intergovernmental meeting on protection of the marine environment from land-based activities.

32. As concerns sewage, priority actions to be considered by States may include:

a. Incorporating sewage concerns when formulating or reviewing coastal development plans including human settlement plans.

b. Building and maintaining sewage treatment facilities in accordance with national policies and capacities and international cooperation available.

c. Locating coastal outfalls so as to maintain an acceptable level of environmental quality and to avoid exposing shell fisheries, water intakes and bathing areas to pathogens.

d. Promoting environmentally sound co-treatments of domestic and compatible industrial effluents, with the introduction, where practicable, of controls on the entry of effluents which are not compatible with the system.

e. Promoting primary treatment of municipal sewage discharged to rivers, estuaries and the sea, or other solutions appropriate to specific sites.

f. Establishing and improving local, national and regional, as necessary, regulatory and monitoring programs to control effluent discharge using minimum sewage effluent guidelines and water quality criteria giving due consideration to the characteristics of receiving bodies and the volume and type of pollutants.

33. As concerns other sources of pollution, priority actions to be considered by States may include:

a. Establishing or improving, as necessary, regulatory and monitoring programmes to control effluent discharges and emissions including the development and application of control and recycling technologies.

b. Promoting risk and environmental impact assessments to help ensure an acceptable level of environmental quality.

c. Promoting assessment and cooperation at the regional level, where appropriate, with respect to the input of point source pollutants from new installations.

d. Eliminating the emission or discharge of organohalogen compounds which threaten to accumulate to dangerous levels in the marine environment.

e. Reducing the emission or discharge of other synthetic organic compounds which threaten to accumulate to dangerous levels in the marine environment.

f. Promoting controls over anthropogenic inputs of nitrogen and phosphorus which enter coastal waters where problems, such as eutrophication, threaten the marine environment or its resources.

g. Cooperating with developing countries, through financial and technological support, to maximize best practicable control and reduction of substances and wastes that are persistent, liable to bio-accumulate or toxic, and to establish environmentally sound land-based waste disposal alternatives to sea dumping.

h. Cooperating in the development and implementation of environmentally sound land uses techniques and practices to reduce run-off to water-courses and estuaries which would cause pollution or degradation of the marine environment.

i. Promoting the use of environmentally less harmful pesticides and fertilizers, and alternative methods for pest control, and consider prohibiting the use of those found to be environmentally unsound.

j. Adopting new initiatives at national and regional levels for controlling the input of non-point source pollutants, which require broad changes in sewage and waste management, agricultural practices, mining, construction and transportation.

34. As concerns physical destruction of coastal and marine areas causing degradation of the marine environment, priority actions should include control and prevention of coastal erosion and siltation due to anthropogenic factors related to, inter alia, land-use and construction techniques and practices. Watershed management practices should be promoted so as to prevent, control, and reduce degradation of the marine environment.

PREVENTION, REDUCTION AND CONTROL OF DEGRADATION OF THE MARINE ENVIRONMENT FROM SEA-BASED ACTIVITIES

35. States, acting individually, bilaterally, regionally or multilaterally and within the framework of the IMO and other relevant international and regional organizations as appropriate, should assess the need for additional measures to address degradation of the marine environment:

a. From shipping, by:

i. supporting wider ratification and implementation of relevant shipping conventions and protocols;

ii. facilitating the processes in (i), providing support to individual States upon request to help them overcome the obstacles identified by them;

iii. cooperating in monitoring marine pollution from ships, especially for illegal discharges (e.g., aerial surveillance) and enforcing MARPOL discharge provisions more rigorously;

iv. taking action to implement applicable measures within particularly sensitive areas established by IMO;

v. taking action to ensure respect of areas designated by coastal States, within their EEZs, consistent with international law, in order to protect and preserve rare or fragile ecosystems, such as coral reefs and mangroves;

vi. considering adoption of appropriate rules on ballast water discharge to prevent the spread of non-indigenous organisms;

vii. promoting navigational safety by adequate charting of coasts and ship-routing, as appropriate;

viii. assessing the need for stricter international regulations to further reduce the risk of accidents and pollution from cargo ships (including bulk carriers);

ix. encouraging IMO and IAEA to work together to complete consideration of a Code on the carriage of irradiated nuclear fuel in flasks on board ships;

x. revising and updating the IMO Code of Safety for Nuclear Merchant ships and considering how best to implement a revised code;

xi. supporting the ongoing activity within IMO regarding development of appropriate measures for reducing air pollution from ships; and

xii. supporting the ongoing activity within IMO regarding the development of an international regime governing the transportation of hazardous and noxious substances carried by ships and further consider whether the compensation funds similar to the ones established under the Fund Convention would be appropriate in respect of pollution damage caused by substances other than oil.

b. From dumping, by:

i. supporting wider ratification, implementation and participation in relevant Conventions on dumping at sea including early conclusion of a future strategy for the London Dumping Convention;

ii. encouraging the London Dumping Convention parties to take appropriate steps to stop ocean dumping and incineration of hazardous substances.

c. From offshore oil and gas platforms, by:

i. assessing existing regulatory measures to address discharges, emissions, and safety and the need for additional measures.

d. From ports, by:

i. facilitating establishment of port reception facilities for the collection of oily and chemical residues and garbage from ships, especially in MARPOL special areas, and promoting the establishment of smaller scale facilities in marinas and fishing harbours.

[36. IMO and other competent United Nations agencies should assess the state of pollution to marine water caused by passing ships in international straits, sea lanes and sensitive areas with a view to establish regional mechanisms to support coastal States in enforcement against illegal and substandard discharges.]

37. States should take measures to reduce water pollution caused by organotin compounds used in anti-fouling paints.

38. States should consider ratifying the Convention on Oil Pollution Preparedness, Response, and Cooperation which addresses, inter alia, the development of contingency plans on the national and international level, as appropriate, including provision of oil spill response material and training of personnel, including its possible extension to chemical spill response.

39. Intensify international cooperation to strengthen or establish, as necessary, regional oil/chemical spill response centers and/or mechanisms in cooperation with relevant regional or global international organizations.

Data and Information

40. States should, as appropriate, and in accordance with means at their disposal with due regard for their technical and scientific capacity and resources, make systematic observations on the state of the marine environment. To this end, States should, as appropriate, consider:

a. Establishing systematic observation systems to measure marine environmental quality, including causes and effects of marine degradation, as a basis for management.

b. Regularly exchanging information on marine degradation caused by land-based and sea-based activities and on actions to prevent, control and reduce such degradation.

c. Supporting and expanding international programmes for systematic observations such as the mussel watch programme, building on existing facilities with special attention to developing countries.

d. Establishing a clearing house on marine pollution control information, including processes and technologies to address marine pollution control and to support their transfer to developing countries and other countries with demonstrated needs.

e. Establishing a global profile and database providing information on the sources, types, amounts, and effects of pollutants reaching the marine environment from land-based activities in coastal areas and sea-based sources.

f. Allocating adequate funding for capacity building and training programmes to help assure the full participation of developing countries in any international scheme for data exchange, collection and analysis.

Means of Implementation

Financing and Cost Evaluation:

LAND-BASED ACTIVITIES

[41. Since many activities on land have impacts on the marine environment, the cost estimates to control the major sources of pollution and other impacts are very high. A crude extrapolation based on a few regional studies in semi-enclosed seas gives figures ranging from $5-20 billion per year over 20 years for the necessary investments. On the other hand, the benefits gained from protecting major economic activities in marine and coastal areas far outweigh the costs in the regions studied. Mechanisms such as user fees and charges for pollution violations are needed to raise the necessary sums from those most directly concerned and best able to bear the costs, and to channel the revenues into construction and operation of the necessary

facilities. For technical cooperation with developing countries to implement Agenda 21 activities, the following amounts are proposed: $14 million in direct assistance, $4 million to address global issues and $2 million to strengthen international organizations, for a total of $20 million per year. This amount needs to be complemented by major activities contained in other programme areas.]

SEA-BASED ACTIVITIES

[42. An estimated $84 million per year is needed to build waste reception facilities in ports in developing countries. This will require special funding mechanisms such as loans or grants from international agencies, including the Global Environmental Facility or a system of "Reception Facility Funds", with the assistance of IMO. Income should be raised from shipping to cover at least the operation and maintenance of these facilities, if not to reimburse the capital investment.]

[43. Provision of oil spill response materials and equipment, apart from the larger countries that have already invested hundreds of millions of dollars in stockpiles, is estimated at $50 million per year from 1993 to 2000. To this should be added $40 million per year for technical cooperation and capacity building in developing countries, all with reference to global issues, including $6 million to strengthen international organizations.]

Scientific and Technological Means:

44. National and regional action programmes will require technological cooperation, technology transfer, and financial resources, including:

a. Assistance to industries in identifying and adopting clean production or pollution control technologies.

b. Development and application of low-cost and low-maintenance sewage treatment technologies for developing countries.

c. Equipment of laboratories to observe systematically human impacts on the marine environment.

d. Identification of appropriate oil spill control materials, including low-cost locally-available materials and techniques, suitable for pollution emergencies in developing countries.

e. Study of the use of persistent organohalogens that are liable to accumulate in the marine environment to identify those which cannot be adequately controlled and to provide a basis for a decision on a time schedule for phasing them out as soon as practicable.

f. Establishment of a clearing house on marine pollution control, information, including processes and technologies to address marine pollution control and to support their transfer to developing and other countries with demonstrated needs. 3/

Human Resources Development:

45. States in cooperation with each other, and regional and international organizations should, as appropriate:

a. Provide training for marine scientists, marine laboratory technicians and hydrographic surveyors at the national or regional level.

b. Introduce marine environmental protection topics into the curriculum of marine academies.

c. Establish training courses for oil and chemical spill response personnel, in cooperation with the oil and chemical industries.

d. Conduct workshops on environmental aspects of port operations and development.

e. Strengthen and provide secure financing for new and existing specialized international centres of professional maritime education.

Capacity building:

46. National planning and coordinating bodies should be given the capacity and authority to review all land-based activities and sources of pollution for their impacts on the marine environment and to propose appropriate control measures.

47. Strengthening and developing research facilities for systematic observation of marine pollution, environmental impact assessment and development of control recommendations, managed and staffed by local experts.

48. Special arrangements will be needed to provide adequate financial and technical resources to assist developing countries to prevent and solve problems associated with activities that threaten the marine environment.

49. An international funding mechanism should be created for the application of appropriate sewage treatment technologies and building sewage treatment facilities, including grants or concessional loans from international agencies and appropriate regional funds, replenished at least in part on a revolving basis by user fees.

50. In carrying out these programme activities, particular attention needs to be given to the problems of developing countries who would bear an unequal burden because of their lack of facilities, expertise or technical capacities.

Notes

1/ This paragraph will need to be examined in light of outcome of negotiations on financial resources in plenary.

2/ This paragraph will need to be examined in light of the outcome of negotiations on financial resources in plenary.

3/ The text in 49 will be readdressed following transfer of technology in Working Group I.